IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2503 OF 2007

Madhukar Ladku Patil ..Applicant

versus

State of Maharashtra ..Respondents

Mr. Amol Patankar for the Applicant.

Mr. S. S. Pednekar, APP for the Respondents - State.

CORAM : V. C. DAGA, J.

DATE : 11TH OCTOBER, 2007.

P.C.

. Heard learned counsel for the Applicant and the learned APP for the State.

2. The Applicant is seeking bail under Section 438 of the Cr.P.C.

3. The prosecution case is that One Pandurang Maruti Vise lodged complaint on 14.7.2007 with the Kasara Police Station alleging that present applicant / accused along with other co-accused on

4.3.2006, in furtherance of their common intention, prepared false and bogus Power of Attorney and submitted it before the Sub-Registrar of Shahapur and misrepresented that they are the original owners of land Gut No. 1398 and Gut No. 1387.

4. The complainant's land bore Gut No. 1387 whereas Jagannath Maruti Vise's land bore Gut No. 1398. Jagannath Maruti Vise is brother of the complainant. The applicant / accused obtained 7/12 extract of said land with dishonest intention to misrepresent and project himself the Sub-Registrar of Shahapur as original owner and executed sale deed in favour of one Niraj Sachhan for consideration of Rs.2,67,000/-. He thus prepared false deed and accepted cash and thereby cheated the complainant.

5. Learned counsel for the applicant submits that the applicant has only identified the purchaser and he did not play any role in commission of the offence.

6. In reply, Learned APP pointed out that the document in question was executed by applicant as a

confirming party. It is thus submitted that in order to investigate racket custodial interrogation would be necessary.

7. Having heard both the parties, I do not see any case having been made out by the Applicant for grant of anticipatory bail. Considering the nature of the allegations made, and the documents available with the Investigating Officer, the custodial interrogation may be necessary. At any rate, this is not a fit case for grant of anticipatory bail.

8. In the result, application is dismissed for the reasons recorded hereinabove, as well as, for the reasons recorded by the 2nd Adhoc Addl. Sessions Judge, Kalyan, in his order dated 24.7.2007 passed in Anticipatory Bail Application No. 546 of 2007.

JUDGE